

yet again—and not just another tragedy. In this case, the death of the 19 children and 2 adults, at least that is the latest reporting, but also indicating that the deaths took place because an armed gunman came into a school with body armor protecting him from the response from any law enforcement.

So we have another example, in barely less than a week, where a gunman goes into a setting in a grocery store in Buffalo, NY, and now into a school where second graders, third graders, and fourth graders are killed because he has a high-powered weapon, and he is fully protected from any law enforcement or any other response. And we are supposed to just get used to this, I guess. That seems to be the response here in Washington.

Now, this isn't a problem of Congress, more broadly, or the executive branch of our government. This is a problem—the failure to address this problem, even to pass something as simple as background check legislation—this is a problem in the Senate of one side. You have got 50 U.S. Senators who are Republicans who have refused now for years to pass anything remotely resembling commonsense gun measures.

I would support a whole series of bills that we could talk about. We don't have time today. But at least the U.S. Senate should be able to pass a background check bill supported by 90 percent of the American people.

And you have to ask, why is that? And it is not simply that you have so many Republicans who are beholden to the gun lobby. That is obvious. That is right in front of us.

The other problem is—and I think it is related to the question of the power of the gun lobby in one party—you have got a whole party that seems to want to surrender to this problem, to throw up their hands and say: "There is nothing the most powerful Nation in the world can do, nothing at all the most powerful nation in the world can do to stop the killing, over and over again, of Americans," and especially in the context of the horror—the unspeakable horror—yesterday of second, third, and fourth graders being gunned down in a manner that is so horrific that some of them can't be identified because of the power of the weapon and the number of bullets that can be discharged in a matter of seconds. So even if law enforcement gets there and isn't confronting body armor, no law enforcement is fast enough to get to a scene in seconds to prevent a horrific mass shooting.

So we are supposed to accept the fact, as Americans—I guess this is what the Republican position is—that we should surrender to this problem. The most powerful Nation in the world can't stop second, third, and fourth graders from being murdered in schools. The most powerful country in the world, I guess, can't prevent the shooting we saw in Buffalo. And you can go down the list of other tragedies.

This is a uniquely American problem. No other country that is similarly situated—has an economy like ours as a country even close to what we have—no other country has this problem and has any kind of change or reform or action being blocked by one side. And I know there is work that has to be done at the State legislative level and all that.

But right here, we could vote this week on a background check bill, and it would be supported overwhelmingly.

But think about this, and I will end with this. Think about if we had the same attitude about 9/11. What if someone said right after 9/11: "You know what, there is really nothing we can do as Americans to stop a foreign terrorist from taking an airplane into a building or crashing an airplane into the Pentagon or the plane that went down in Pennsylvania. There is nothing we can do about that so we just have to get used to that reality of terrorists doing that to our country"? No one would say that—then or now. We created an entire new Agency, the Department of Homeland Security. And guess what, a lot of those reforms that we made to protect Americans against terrorism worked. Just like no one said years ago, when we had these viruses and the potential of pandemics, that we shouldn't do anything about it even though we have the knowledge and the skill to create a vaccine.

We invested. We did what Americans do—confronted a big problem and did something about it.

What if during World War II, what if everyone stood up and said: "You know, the Axis nations are pretty powerful. Those nations are pretty powerful. They have the most well-funded, sophisticated armies in the world, and there is nothing we can do in 1941 to take on the Axis powers"? We didn't say that.

It is un-American to surrender—to surrender to a problem. Now you have an entire political party in this Chamber that has not just surrendered to the lobby—that is objectionable and insulting enough—but they surrendered to the problem; that there is nothing we can do about it. That, I would submit, is un-American. And it is about time that the Republicans in the Senate begin to be part of the solution to do something that Americans do all the time—confronting evil, like we did after 9/11; confronting terrorism or disease or whatever it is; and in this case to confront gun violence and do something about it, not sit around and pretend that there is nothing we can do. That is un-American.

We don't surrender. We are Americans. We take on tough problems like our entire history has shown. But we haven't taken on this problem.

What we should be saying to these families, in addition to offering our sympathy, is: Your government has failed you. Your government at the Federal level and your government at the State level, it has failed you. And

in this case and in this Chamber it has failed because one side will not even entertain the idea of passing any gun measures. They have surrendered.

I yield the floor.

#### EXECUTIVE CALENDAR

The PRESIDING OFFICER (Mr. LUJÁN). The clerk will report the nomination.

The legislative clerk read the nomination of Evelyn Padin, of New Jersey, to be United States District Judge for the District of New Jersey.

#### VOTE ON PADIN NOMINATION

The PRESIDING OFFICER. Under the previous order, the question is, Will the Senate advise and consent to the Padin nomination?

Ms. DUCKWORTH. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

(Mr. WYDEN assumed the Chair.)

(Mr. PADILLA assumed the Chair.)

(Mr. BENNET assumed the Chair.)

Mr. DURBIN. I announce that the Senator from Oregon (Mr. MERKLEY), the Senator from Rhode Island (Mr. REED), and the Senator from Maryland (Mr. VAN HOLLEN) are necessarily absent.

Mr. THUNE. The following Senators are necessarily absent: the Senator from Texas (Mr. CORNYN), the Senator from Texas (Mr. CRUZ), and the Senator from Alaska (Ms. MURKOWSKI).

The result was announced—yeas 51, nays 43, as follows:

[Rollcall Vote No. 200 Ex.]

#### YEAS—51

Baldwin	Graham	Ossoff
Bennet	Hassan	Padilla
Blumenthal	Heinrich	Peters
Booker	Hickenlooper	Rosen
Brown	Hirono	Sanders
Burr	Kaine	Schatz
Cantwell	Kelly	Schumer
Cardin	King	Shaheen
Carper	Klobuchar	Sinema
Casey	Leahy	Smith
Collins	Luján	Stabenow
Coons	Manchin	Tester
Cortez Masto	Markey	Warner
Duckworth	McConnell	Warnock
Durbin	Menendez	Warren
Feinstein	Murphy	Whitehouse
Gillibrand	Murray	Wyden

#### NAYS—43

Barrasso	Hawley	Rounds
Blackburn	Hoeben	Rubio
Blunt	Hyde-Smith	Sasse
Boozman	Inhofe	Scott (FL)
Braun	Johnson	Scott (SC)
Capito	Kennedy	Shelby
Cassidy	Lankford	Sullivan
Cotton	Lee	Thune
Cramer	Lummis	Tillis
Crapo	Marshall	Toomey
Daines	Moran	Tuberville
Ernst	Paul	Wicker
Fischer	Portman	Young
Grassley	Risch	
Hagerty	Romney	

#### NOT VOTING—6

Cornyn	Merkley	Reed
Cruz	Murkowski	Van Hollen

The nomination was confirmed.